

**NORTH CAROLINA CRIMINAL JUSTICE
EDUCATION AND TRAINING STANDARDS COMMISSION**

MINUTES

DATE: August 18, 2017
TIME: 9:00 A.M.
LOCATION: Wake Technical Community College - Public Safety Education Campus
Raleigh, North Carolina
SUBMITTED BY: Steven G. Combs
Director

MEMBERS PRESENT

Chief Chris Blue
Captain Marianne Bond
Ms. Tasha Jones Butts
Sergeant Randy Byrd
Mr. Eddie Caldwell
Mr. David Dail
Mr. Richard Epley
Captain Lee Farnsworth
Mr. James Fisher-Davis
Chief Jay Fortenbery
Ms. Stephanie Freeman
Ms. Jane Gilchrist
Chief Robert Hassell
Chief Tim Hayworth
Chief Bill Hollingsed
Deputy Chief Brian James
Ms. Teresa Jardon
Mr. Steve Johnson
Mayor Bobby Kilgore
Chief Tim Ledford
Colonel Glenn McNeill
Ms. Tracy McPherson
Mr. Nathan Mizell
Chief James Moore
Mr. Kenneth Mullen
Chief Ron Parrish
Mr. Trey Robison
Sergeant David Rose
Director Bob Schurmeier
Mr. Michael Slagle
Ms. Angela Williams

MEMBERS ABSENT

Mr. Brent Herron
Ms. Robin Pendergraft
Mr. Jeff Welty

I. CALL TO ORDER

Commission Chairman Bill Hollingsed called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to new members: Ms. Tasha Jones Butts with the N.C. Department of Public Safety, Division of Adult Correction & Juvenile Justice, appointed by Governor Roy Cooper; Sergeant David Rose with the Winston-Salem Police Department, appointed by Attorney General Josh Stein; Sergeant Randy Byrd with the Cary Police Department, appointed by the Speaker of the House; Ms. Stephanie Freeman with the N.C. Department of Public Safety/Office of Staff Development & Training, appointed by Governor Roy Cooper; Ms. Jane Gilchrist, General Counsel, who represents Mr. Erik Hooks, Secretary of the North Carolina Department of Public Safety. Ms. Byrd

Charles E. Carroll	Robersonville Police Department Presented by Lisa Coltrain, Assistant District Attorney
Marvin A. Hilliard	Scotland Neck Police Department Presented by Commissioner Hollingsed
Stephen G. Brown	Stallings Police Department Presented by Chief Minor Plyler, Jr.
Cody Havens	Stallings Police Department Presented by Chief Plyler, Jr.
Orlando Rosario, Jr.	Stantonsburg Police Department Presented by Commissioner Hollingsed and Mayor Bill Edmundson
Terrance L. Mardis	UNC Hospitals Police Department Presented by Chief Robert Sims
Janice D. Whitehead	Vidant Company Police Presented by Chief Randy Walston and Randall Askew
Bryce A. Toone	Wake Technical Campus Police Presented by Commissioner Hollingsed and Lieutenant Michale Banks and Sergeant Wyatt Cumbo
David W. Morgan	Wallace Police Department Presented by James H. Gantte, Interim Town Manager
Lenward M. Hanks, Jr.	Wendell Police Department Presented by Chief William Carter
Tabatha A. Bates	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Mr. Marshal Griffin, CRP Administrator Coordinator, Commissioner Stephanie Freeman, Director of Training and Development and Ms. Gwen Norville, Senior Deputy Secretary
Sheila V. Eason	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Mr. Griffin, Commissioner Freeman and Ms. Norville
John Frick	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Mr. Griffin, Commissioner Freeman and Ms. Norville
Michael B. Leonard	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Mr. Griffin, Commissioner Slagle, Captain Mark Wilson, Commissioner Freeman and Ms. Norville

Christopher H. Steed

N.C. Department of Public Safety/Division of Adult Correction
and Juvenile Justice
Presented by Superintendent Slagle, Mr. Griffin,
Commissioner Freeman and Ms. Norville

III. ELECTIONS

A. Chairman

Vice-Chairman Caldwell presided over the Commission to take nominations for the office of Chairman.

MOTION was made by Commissioner Johnson to nominate Bill Hollingsed as Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was Seconded by Commissioner Robert Hassell. The MOTION carried unanimously.

B. Vice-Chairman

Chairman Hollingsed presided over the remainder of the nominations.

MOTION was made by Commissioner Lee Farnsworth to nominate Eddie Caldwell as Vice-Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner James Fisher-Davis. The MOTION carried unanimously.

C. Standing Committee Chairpersons

1. Education and Training Committee

MOTION was made by Commissioner Mullen to nominate Robin Pendergraft as Chairman of the Education and Training Committee. The MOTION was seconded by Commissioner Farnsworth. The MOTION carried unanimously.

2. Planning and Standards Committee

MOTION was made by Commissioner James Moore to nominate Jeff Welty as Chairman of the Planning and Standards Committee. The MOTION was seconded by Commissioner Epley. The MOTION carried unanimously.

3. Probable Cause Committee

MOTION was made by Commissioner Tim Ledford to nominate Tim Hayworth as Chairman of the Probable Cause Committee. The MOTION was seconded by Commissioner Parrish. The MOTION carried unanimously.

IV. MINUTES OF MAY 19, 2017 MEETING

Commission Chairman Hollingsed entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Chris Blue that the Commission approve the minutes of the May 19, 2017 meeting as mailed. The MOTION was seconded by Commissioner Mizell and carried unanimously.

VI. STANDING COMMITTEE REPORTS**A. Executive Committee - Chairman Eddie Caldwell**

Chairman Caldwell stated that the Executive Committee discussed a number of issues but there was nothing to report at the present time.

Chairman Caldwell asked Director Steven Combs to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

Chairman Caldwell asked Director Trevor Allen to give an update on the Justice Academy. A copy of his written report is attached.

B. Education and Training Committee – Vice-Chairman Steve Johnson

Vice-Chairman Johnson reported that the Education and Training Committee met on Thursday, August 17, 2017 at Wake Technical Community College, Raleigh, North Carolina.

Vice-Chairman Johnson reported that on behalf of the Criminal Justice Standards Division, Bob Overton presented the proposed rule change.

MOTION was made by Commissioner Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend Rule 12 NCAC 09B .0413(a) – Comprehensive Written Exam – Instructor Training as follows: Change the number of units from “12” to “15” and delete the word “Basic” in paragraph (a); seconded by Commissioner Farnsworth. The MOTION carried.

Vice-Chairman Johnson reported that on behalf of the SMI Advisory Committee, Mr. Overton presented a proposed statutory change. He explained that this request would require a rule change.

MOTION was made by Commissioner Johnson that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend North Carolina General Statute 8-50.2 – Results of Speed Measuring Instruments: Admissibility (Radar Reliability Act) as follows: Delete the following language in paragraph (c): “or by a laboratory established by the International Association of Chiefs of Police”; seconded by Commissioner Mizell. The MOTION carried.

Vice-Chairman Johnson reported that on behalf of the Criminal Justice Standards Division, Deputy Director Richard Squires presented a proposed rule change.

MOTION was made by Commissioner Johnson that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend Rule 12 NCAC 09B .0701(f)(4) – Military Transferee as follows: Modify the language in paragraph (f)(4) to move the 12 hours for “Preparing for Court and Testifying in Court” from the Legal Unit to the Practical Applications Unit within BLET; seconded by Commissioner Farnsworth. The MOTION carried.

Vice-Chairman Johnson reported that Director Steven Combs asked for guidance from the Education and Training Committee regarding the issuance of new service handguns. The question is whether or not all officers need to requalify with their newly issued service handgun.

MOTION was made by Commissioner Caldwell that it is the conclusion of this Commission that the administrative code does not clearly specify the action required by the agency regarding qualifications with handguns in a situation when the officer's previously issued handgun is recalled by the manufacturer; seconded by Commissioner Richard Epley. The MOTION carried.

MOTION was made by Commissioner Fisher-Davis that the Commission authorize the Education and Training Committee to revisit Administrative Code 12 NCAC 09E .0106 in reference to the qualification of the service handguns and report their findings to the full Commission; seconded by Commissioner Hassell. The MOTION carried.

Vice-Chairman Johnson reported that on behalf of the Instructor Training Revision Committee, Gary Dudley with the North Carolina Justice Academy, recommended major revisions to the Instructor Training manual consistent with the approved North Carolina Administrative Code amendments. Fifteen blocks of instruction were identified, increasing the blocks of instruction by three. Nine of the lesson plans were revised while six are new lesson plans. Of the six new lesson plans, three (Classroom Management, Instructional Leadership and Instructional Styles and Platform Skill) replaced the single lesson plan Methods and Strategies: Adult Learning replaced Teaching Adults: Lesson Plan Development and Formatting replaced Lesson Plan Preparation: Formatting and Objectives; and lastly, Course Closing was formalized into a ISD formatted lesson plan and includes a required post-test. The Committee approved the recommendations.

Vice-Chairman Johnson reported that the Education and Training Committee approved the reaccreditation of Martin Community College – BLET for a period of one (1) year in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 for the delivery of the Commission-accredited courses with the condition that the Criminal Justice Standards Division will closely monitor and conduct frequent checks to ensure continued compliance is maintained.

The School Accreditation Subcommittee recommended reaccreditation for a period of five (5) years for the delivery of the Commission-accredited courses: Cape Fear Community College – BLET, SMI, General Instructor Training; Chapel Hill Police Department – BLET, Gaston College – BLET, SMI, General Instructor Training; Pitt Community College BLET, SMI, General Instructor Training and Southwestern Community College – BLET, SMI, and General Instructor Training. The Committee approved the recommendations.

Next, Vice-Chairman Johnson reported that on behalf of the Higher Education Law Enforcement Committee, Dr. Frank Scuiletti, North Carolina Community Colleges provided an update to the Committee on the progress of the Community College Public Safety Degree proposal.

Vice-Chairman Johnson reported that on behalf of the Samarcand Training Academy, Secretary Eric Hooks with the North Carolina Department of Public Safety, provided the Committee with information on a potential future training request related to specialized instructor training programs.

Vice-Chairman Johnson reported that the Education and Training Committee were provided with information related to the parameters of long gun low light qualification. There were recommended revisions to the In-Service Training Manual based on incorporation of low light firing with other weapons. The recommended changes apply to Shotgun Day, Shotgun Night, Rifle/Carbine-Day (does not include sniper rifles), Rifle/Carbine – Night (does not include sniper rifles), Combat Day and Night Required and Specialty Weapons. The revisions include: Shotgun Day – (ballistic or equivalent ammunition required), Distance: To be determined by agency based on ammunition carried. Positions: Standing and Kneeling, Minimum Rounds: 10. Shotgun Night: (ballistic or equivalent ammunition required); Distance: To be determined by agency based on ammunition carried. Positions: Standing and Kneeling, Minimum Rounds: 10. Light Conditions:

Variable from total darkness to all available light. Note: Handheld or gun mounted lights may be used throughout the course of fire. Rifle/Carbine – Day (does not include sniper rifles) (ballistic or equivalent ammunition required), Distance: 7 yards to 50 yards (minimum – distance can be extended). Positions: Standing, Kneeling and Prone, Minimum Rounds: 20. Approximately 25% fired from 15 yards. Approximately 25% fired from 25 yards. Approximately 25% fired from 50 yards, approximately 25% fired from distances determined by agency. Rifle/Carbine – Night (does not include sniper rifles) (ballistic or equivalent ammunition required). Distance: 7 yards to 50 yards (minimum – distance can be extended). Positions: Standing, Kneeling and Prone. Minimum Rounds: 20. Approximately 25% fired from 15 yards. Approximately 25% fired from 25 yards. Approximately 25% fired from 50 yards. Approximately 25% fired from distances determined by agency. Light Conditions: variable from total darkness to all available light. Note: handheld or gun mounted lights may be used throughout the course of fire; Combat Day & Night Course required – (ballistic or equivalent ammunition required) - Combat courses of fire are conducted primarily with the duty handgun, but shotguns and rifles/carbines may be incorporated into the course of fire. Specialty Weapons – (manufacturer recommended ammunition required). Required if carried on both day and night courses of fire. Courses of fire will be determined by the agency use, industry standards or manufacturer’s recommendations. These weapons include fully automatic or burst fire weapons, sniper rifles, gas or less lethal munitions weapons.

Lastly, Vice-Chairman Johnson reported that Ms. Charminique Williams with Criminal Justice Standards Division provided an update on BLET Comprehensive Written Examination failures.

C. Planning and Standards Committee – Vice-Chairman James Moore

Vice-Chairman Moore reported that the Planning and Standards Committee met on Thursday, August 17, 2017 at Wake Technical Community College, Raleigh, North Carolina.

Vice-Chairman Moore reported that the minutes from the May meeting were approved.

Next, Vice-Chairman Moore reported that the Committee conducted a rule making hearing on several administrative code changes. The Committee agreed to adopt the changes and forward to full Commission for approval.

MOTION was made by Commissioner Moore that the Commission adopt the amended Rule 12 NCAC 09B .0301 Certification of Instructors - address Commission authority to take action on an instructor’s certification to teach based on misconduct or suspension/denial of law enforcement certification. Note item (g) add “Office of Emergency Medical Services”; seconded by Commissioner Jardon. The MOTION carried.

MOTION was made by Commissioner Moore that the Commission adopt the amended Rule 12 NCAC 09B .0403 Evaluation - Provides criteria of federal law enforcement credit toward North Carolina law enforcement officer certification; seconded by Commissioner Johnson. The MOTION carried.

MOTION was made by Commissioner Moore that the Commission adopt the amended Rule 12 NCAC 09E .0105 Minimum Training: Annual In-Service Training - Specifies in-service training topics and hours for 2018; seconded by Commissioner Hassell. The MOTION carried.

MOTION was made by Commissioner Moore that the Commission adopt the amended Rule 12 NCAC 09B .0205 Basic Law Enforcement Training - Increases mental illness training hours from 8 to 24 hours and total course hours from 616 to 632 hours; seconded by Commissioner Hassell. The MOTION carried.

MOTION was made by Commissioner Moore that the Commission adopt the amended Rule 12 NCAC 09B .0209 Criminal Justice Instructor Training - Proposed changes to reflect general instructor curriculum changes in topics and hours. Change also impacts 12 NCAC 09B .0410 CJ Instructor Training Course, 12 NCAC 09G .0313 Corrections Instructor Training Course, and 12 NCAC 09G .0414 Instructor Training. Note: Correction 09B .0209(c)(11) topic "The Evaluation of Learning"; seconded by Commissioner Hassell. The MOTION carried.

MOTION was made by Commissioner Moore that the Commission adopt the amended Rule 12 NCAC 09B .0302 General Instructor Certification - Item (d) involves applicants for SMI instructor be general or probationary instructor, making it consistent with other specialized instructor certifications; seconded by Commissioner Jardon. The MOTION carried.

MOTION was made by Commissioner Moore that the Commission adopt the amended Rule 09C .0210 Request for Training Course Accreditation - Repeal rule due to ambiguity concerning intended course accreditation; seconded by Commissioner Jay Fortenbery. The MOTION carried.

MOTION was made by Commissioner Moore that the Commission adopt the amended Rule 12 NCAC 09C .0306 Lateral Transfer of Law Enforcement - Provides full-time certified officers a 60-day waiver for specified screenings to expedite the lateral hiring process. Minor language changes also impact 12 NCAC 09A .0206 – Summary Suspensions, 12 NCAC 09B .0101 Minimum Standards for Criminal Justice Officers and 12 NCAC 09B .0104 Medical Examination; seconded by Commissioner Epley. The MOTION carried.

MOTION was made by Commissioner Moore that the Commission adopt the amended Rule 12 NCAC 09E .0106 Annual In-Service Firearms Qualifications Specifications – Specifies day and night firearms qualifications for all weapons. Effective January 1, 2019 allows agencies time to prepare for changes; seconded by Commissioner Johnson. The MOTION carried.

MOTION was made by Commissioner Moore that the Commission adopt to make language consistent in 12 NCAC 09G .0206 Moral Character and 12 NCAC 09B .0101 – Minimum standards for Criminal Justice Officers. Note: Correction 09B .0101(b) should read five (5) years; seconded by Commissioner Jardon. The MOTION carried.

Vice-Chairman Moore reported that Ms. Sarah Wolfe from the North Carolina Academy of Physician Assistants requested the Commission's consideration to further amend Rules 12 NCAC 09B .0101(5) Minimum Standards for Criminal Officers, 12 NCAC 09B .0104(a)(b) Medical Examination and 12 NCAC 09C .0306(b)(2) Lateral Transfer of Law Enforcement Officers to include licensed physician assistants as qualified to examine and report on criminal justice applicants. The Committee is in favor of amending to include Physician Assistants; however, the Committee asked staff to research comparison of Physician Assistants and Family Nurse Practitioners and report their findings at the next Commission meeting.

In closing, Vice-Chairman Moore stated that Ms. Williams provided the Committee with forty-two (42) rules of the required Decennial Rules Review. The Planning and Standards Committee reviewed each rule and voted as to whether the rule is considered necessary and with considerable public interest, necessary without considerable public interest or unnecessary meaning the rule is obsolete, redundant or no longer needed. Vice-Chairman Moore stated that everyone should have received a copy of these rules. He advised that 12 NCAC 09B .0203(b) Admission of Trainees was tabled to give staff time to further research criteria of diplomas earned

through correspondence school and whether the Commission should accept them toward education requirements.

MOTION was made by Commissioner Moore that the Commission adopt the first forty-one (41) Decennial Rules; seconded by Commissioner Fisher-Davis. The MOTION carried.

D. Probable Cause Committee – Vice-Chairman Tim Hayworth

Vice-Chairman Hayworth reported that the Probable Cause Committee met on Wednesday, August 16th and Thursday, August 17, 2017 at Wake Technical Community College, Raleigh, North Carolina.

Vice-Chairman Hayworth reported that the minutes of May 17th and May 18, 2017 were approved as presented.

Vice-Chairman Hayworth reported that two officers were certified after having committed a criminal offense by the Criminal Justice Standards Division.

Vice-Chairman Hayworth reported that on Wednesday, August 16, 2017, sixteen (16) officers/applicants were on the agenda with a total of twenty (20) alleged violations of the administrative code. Two cases consisting of two allegations were continued. No probable cause was found against nine (9) officers/applicants involving twelve (12) allegations. Probable cause was found against four (4) officers/applicants involving five (5) allegations. Probable cause was found against one officer involving one alleged violation with the offer of a lesser sanction of a written reprimand.

Vice-Chairman Hayworth reported that on Thursday, August 17th, there were eight (8) officers/applicants on the agenda with a total of nine (9) alleged violations of the Administrative Code. Two cases consisting of two allegations were continued. No Probable Cause was found in three officers involving three alleged violations with the offer of a lesser sanction of a written reprimand.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 17/062; seconded by Commissioner Slagle. The MOTION carried unanimously.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 17/064; seconded by Commissioner Leford. The MOTION carried unanimously.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum 17/067; seconded by Commissioner Leford. The MOTION carried.

MOTION was made by Commissioner Hayworth that the Commission accept a lesser sanction of agreement for Memorandum Number 17/068; seconded by Commissioner Parrish. The MOTION carried unanimously.

VI. OTHER BUSINESS

None

VII. OLD BUSINESS

A. Old Business

None

B. Legal Counsel Report

Ms. Whitney Belich distributed a document entitled "Pending Administrative Cases" for the membership's review.

C. Final Agency Decisions

Commission Chairman Hollingsed noted that Mr. John Congleton, an Assistant Attorney General, would serve as the Commission's Legal Counsel for the Final Agency Decisions.

Commission Chairman Hollingsed read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

1. Juan Daniel Meraz

Chairman Hollingsed noted that the members of the Probable Cause Committee were recused from the Final Agency Decisions.

Ms. Belich presented oral argument regarding the case against Mr. Meraz.

MOTION was made by Commissioner Mizell that the Commission suspend Juan Daniel Meraz's certification for not less than five years for the commission of the "Class B misdemeanor" offense, to wit: "Assault on Female." This period of suspension begins on the date this ORDER is signed; seconded by Commissioner Fortenbery. The MOTION carried.

2. DeJuan Eric Brown

Commission Chairman Hollingsed reported that Mr. Brown did not receive his notice of the meeting. He stated that Mr. Brown's case would be continued until the next meeting.

VIII. DATE OF NEXT MEETING

Commission Chairman Hollingsed advised that the next Commission meeting is scheduled for November 15-17, 2017 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

IV. MOTION TO ADJOURN

MOTION was made by Commissioner Mizell that the Commission adjourn; seconded by Commissioner Hassell. The MOTION carried unanimously.